

the client;

(d) shall identify, on the docket sheets, the criminal actions arising from acts of domestic violence;

(e) may dismiss a charge on stipulation of the prosecutor and the victim; and

(f) may hold a plea in abeyance, in accordance with the provisions of Chapter 2a, Pleas in Abeyance, making treatment or any other requirement for the defendant a condition of that status.

(2) When the court holds a plea in abeyance in accordance with Subsection (1)(f), the case against a perpetrator of domestic violence may be dismissed only if the perpetrator successfully completes all conditions imposed by the court. If the defendant fails to complete any condition imposed by the court under Subsection (1)(f), the court may accept the defendant's plea.

(3) (a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence or dating violence in the past, when any defendant is charged with a crime involving domestic violence, or with violating a protective order relating to dating partners, as defined in Section 78B-7-102, the court may, during any court hearing where the defendant is present, issue a pretrial protective order, pending trial:

(i) enjoining the defendant from threatening to commit or committing acts of domestic violence, dating violence, or abuse against the victim and any designated family or household member;

(ii) prohibiting the defendant from harassing, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly;

(iii) removing and excluding the defendant from the victim's residence and the premises of the residence;

(iv) ordering the defendant to stay away from the residence, school, place of employment of the victim, and the premises of any of these, or any specified place frequented by the victim and any designated family member; and

(v) ordering any other relief that the court considers necessary to protect and provide for the safety of the victim and any designated family or household member ~~It is~~ **, except that, if the defendant is charged with violating a protective order relating to dating partners, as defined in Section 78B-7-102, the court may not prohibit the defendant from purchasing, using, or possessing a firearm, unless the court finds that the defendant's use or possession of a firearm is likely to pose a serious threat of harm to the victim** ~~It is~~ .

(b) Violation of an order issued pursuant to this section is punishable as follows:

(i) if the original arrest or subsequent charge filed is a felony, an offense under this

(a) enjoining the perpetrator from threatening to commit or committing acts of domestic violence or dating violence against the victim or other family or household member;

(b) prohibiting the perpetrator from harassing, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly;

(c) requiring the perpetrator to stay away from the victim's residence, school, place of employment, and the premises of any of these, or a specified place frequented regularly by the victim or any designated family or household member;

(d) prohibiting the perpetrator from possessing or consuming alcohol or controlled substances;

(e) prohibiting the perpetrator from purchasing, using, or possessing a firearm or other specified weapon ~~Ĥ→~~ , **except that, if the defendant is convicted of violating a protective order relating to dating partners, as defined in Section 78B-7-102, the court may not prohibit the defendant from purchasing, using, or possessing a firearm, unless the court finds that the defendant's use or possession of a firearm is likely to pose a serious threat of harm to the victim ←Ĥ** ;

(f) directing the perpetrator to surrender any weapons the perpetrator owns or possesses;

(g) directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment;

(h) directing the perpetrator to pay restitution to the victim; and

(i) imposing any other condition necessary to protect the victim and any other designated family or household member or to rehabilitate the perpetrator.

(3) The perpetrator is responsible for the costs of any condition of probation, according to the perpetrator's ability to pay.

(4) (a) Adult Probation and Parole, or other provider, shall immediately report to the court and notify the victim of any offense involving domestic violence committed by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court, and any violation of any sentencing criminal protective order issued by the court.

(b) Notification of the victim under Subsection (4)(a) shall consist of a good faith reasonable effort to provide prompt notification, including mailing a copy of the notification to the last-known address of the victim.

(5) The court shall transmit all dismissals, terminations, and expirations of pretrial and sentencing criminal protective orders issued by the court to the statewide domestic violence

(2) A court may grant the following relief without notice in an order for protection or a modification issued ex parte:

(a) enjoin the respondent from threatening to commit or committing domestic violence, dating violence, or abuse against the petitioner and any designated family or household member;

(b) prohibit the respondent from harassing, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(c) order that the respondent:

~~(i) is excluded and must stay away from the petitioner's residence and its premises[; and order the respondent to stay away from the residence, school, or place of employment of the petitioner, and the premises of any of these, or];~~

(ii) except as provided in Subsection (4), stay away from the petitioner's:

(A) school and the school's premises; and

(B) place of employment and its premises; and

(iii) stay away from any specified place frequented by the petitioner ~~and~~ or any designated family or household member;

(d) prohibit the respondent from being within a specified distance of the petitioner;

~~[(d)] (e) upon finding that the respondent's use or possession of a weapon may pose a serious threat of harm to the petitioner, **H→ or, if the order relates to dating partners, that the respondent's use or possession of a weapon is likely to pose a threat of**~~

~~**harm to the petitioner, ←H**~~ prohibit the respondent from purchasing, using, or possessing a firearm or other weapon specified by the court;

~~[(e)] (f) order possession and use of an automobile and other essential personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;~~

~~[(f)] (g) if the petitioner is a cohabitant of the other party, grant to the petitioner temporary custody of any minor children of the parties;~~

~~[(g)] (h) order the appointment of the office of the Guardian Ad Litem to represent the interests of any minor children of the parties, if abuse or neglect of the minor children is alleged, or appoint a private guardian ad litem, if appropriate, pursuant to Section 78A-2-228;~~

~~[(h)] (i) order any further relief that the court considers necessary to provide for the~~